

REMARKS

Amendments to the Claims

Claims 1-45 are pending. New claims 42-45 have been added.

Claims 24-29, 32, and 33 have been amended to recite a kit rather than a non-statutory use.

Support for new claim 42 is found in PCT original claim 34 and in the Specification, page 19, third paragraph; page 47, second paragraph; and Tables 13 and 14.

Support for new claim 43 is found as discussed above with claim 42 and in table 14.

Support for new claim 44 is found in PCT original claim 48.

Support for new claim 45 is found in the Specification at page 19, third paragraph.

No new matter has been added.

Restriction Requirement

The Examiner restricts the claims to one of the following groups:

Group I, claims 1-17, 24-29, 32 and 33 as drawn to a method of detecting a risk of a pulmonary disease by determining a polymorphism in a GPRA gene and a kit.

Group II, claims 18-23, as drawn to a method of identifying a polymorphic site in a GPRA gene.

Group III, claims 18-23, as drawn to a method of identifying a polymorphic site in an AAA1 gene.

Group IV, claims 34-39, 24, 25, 30 and 31, as drawn to a method of detecting a risk of a pulmonary disease by determining a polymorphism in an AAA1 gene and a kit.

Group V, claims 40 and 41, drawn to a method of identifying a haploid combination.

Applicants herein elect **Group I, claims 1-17, 24-29, 32 and 33**, as drawn to a method of detecting a risk of a pulmonary disease or an IgE mediated disease by determining a polymorphism in a GPRA gene and a kit. New claims 42-45 fall within elected group 1.

Applicants also point out that the experimental data provided in the present Specification shows that haplotypes H2, H4, H5, and H7 are particularly disease-associated. These SNPs are selected from the SNPs shown in Tables 13 and 14. Thus, one of skill would have no doubt what is the nucleic acid sequence of each of haplotypes H2, H4, H5, and H7 and how to identify these haplotypes.

These haplotypes are defined by SEQ ID NO: 1 and seven SNPs listed in claim 42. These SNPs are selected from the SNPs shown in Tables 13 and 14. Thus, one of skill would have no doubt about the nucleic acid sequence of each of the haplotypes and how they can be identified.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gerald M. Murphy, Registration No. 28,977 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

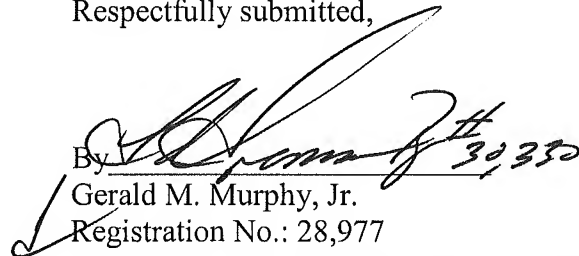
Application No.: 10/539,565

Docket No.: 0933-0249PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: March 3, 2009

Respectfully submitted,

By  30,350
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive
Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicant